

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 5708	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/IB03/00118	International filing date (day/month/year) 20/01/2003	Priority date (day/month/year) 23/01/2002	
International Patent Classification (IPC) or national classification and IPC A41D25/02			
Applicant JALLARD, Olivier			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 11/07/2003	Date of completion of this report 09.02.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Uhlig, R Telephone No. +49 89 2399 7083



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB03/00118

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):
Description, pages:

1-5 as originally filed

Claims, No.:

1-3 as received on 23/10/2003 with letter of 21/10/2003

Drawings, sheets:

1/2,2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:

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- the drawings, sheets:
5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)
6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims 1-3
	No:	Claims
Inventive step (IS)	Yes:	Claims 1-3
	No:	Claims

2. Citations and explanations see separate sheet

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1. References

Reference is made to the following documents cited in the international search report:

- D1: US-A-5084916
- D2: WO-A-9909849
- D3: US-A-2636178

RE Item V

3. Independent Claim 1

- 3.1 Based on the documents mentioned in the search report, the subject-matter of claim 1 - as far as understood (see paragraphs 5.1, 5.2) - appears to be new and inventive according to Articles 33 (1) and 33 (3) PCT.
- 3.2 None of the cited documents discloses inter alia a clip-like sleeve which couples in a complementary manner with a cylindrical body of a clasp and wherein at least two studs hold the top end of tie strip sandwiched between the body of the clasp and the clip-like sleeve, wherein the assembly comprising the clip like sleeve, the body of the clasp and the top end of the tie is mounted in a shaped clasp cover piece.
- 3.3 The technical effect of these distinguishing features is that the tie is inserted / attached to the shaped clasp cover-piece already in a rounded shape.
- 3.4 The objective problem to be solved by this distinguishing feature may therefore be regarded as to provide an alternative tie with a knot piece that appears more as a tie made entirely of fabric.
- 3.5 As none of the cited prior art documents discloses the in 3.2 mentioned features, claim 1 fulfills the requirements according to Articles 33 (1), 33 (2) and 33 (3) PCT, as the solution of the present problem provided by claim 1 is not obvious.
D1 and D3 disclose only a tie knot made of multiple pieces which clamp the tie front piece in a curved manner, thereby providing more an appearance of a tie made entirely of fabric but not the combination of the features of paragraph 3.2.

4. Dependent Claims 2 and 3

The dependent claims are regarded - from a formalistic point of view - as being new and inventive, as they refer directly or indirectly to the independent claim 1 which is

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considered to be new and inventive.

5. Formal/Further Objections

- 5.1 Claim 1 appears to be unclear according to Article 6 PCT, as some grammatical interdependencies appear to be wrong.
- a) Claim 1, lines 5, 10, 11 defines that the tie is arranged between, a shaped clasp cover piece and ?. Anyhow the tie is not arranged between the clasp cover piece and another item, but between a clip like sleeve and the body of the clasp.
 - b) Claim 1, lines 15 and 19 defines that the holes are formed on ... However, holes can only be formed in an item.
 - c) The relation between the various items in claim 1 lines 24 to 27 is not clear. To mention the respective features as the subject of the relative clauses will help to overcome this objection.

The attention of the applicant is drawn to the fact, that the preamble may not describe features of the prior art which is in contradiction to the claimed invention.

- 5.2 It appears that the essential feature that the sleeve is attached to the shaped clasp cover-piece is missing in independent claim 1, contradictory to the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT (see equally paragraph 5.1 c)).
- 5.3 Although D2, which is considered to represent the closest prior art, is already cited in the application, the documents D1 and D3 are not identified in the description and its relevant contents is not indicated as required by Rule 5.1(a)(ii) PCT, which is regarded by the examiner as being necessary to better understand the available prior art.

CLAIMS

1. Decorative tie (1) able to be joined to a shirt collar and composed of a linearly extending strip (2) which is suitable for the desired decorative function and arranged between a shaped clasp cover-piece (3) provided with a vertical cavity (4) and a clasp (5) shaped in the manner of an overturned U and able to be contained partly inside said cavity (4) so as to fix inside it the top end (2s) of the said strip (2) between the clasp (5) and the cavity (4), characterized in that the body (5c) of the clasp (5) is substantially cylindrical and has, emerging from it perpendicularly, two or more studs (5p) which pass through a corresponding number of holes (2f) formed on the said top end (2s) of the strip (2), said studs (5p) projecting further from the said holes (2f) so as to penetrate at least partly into a corresponding number of openings (6f) formed on a clip-like sleeve (6) which is made of flexurally elastic material and is open on one side and shaped so as to contain in a complementary manner the said clasp (5) supporting thereon the abovementioned top end (2s) of the strip (2) passed through by the studs (5p), adhering thereto elastically, and so as to be contained in a complementary manner remaining fixed there, inside the said cavity (4) of the clasp cover-piece (3).

2. Decorative tie according to Claim 1, in which the said cavity (4) of the clasp cover-piece (3) is substantially semicylindrical and is complementary with respect to the external surface of the closed side of the said clip-on sleeve (6) which is contained inside it.

3. Tie according to one of the preceding claims, in which the lateral edges of the said clasp cover-piece (3) are folded so as to create two flat flanges

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ART 34 AMDT

(3t) which are coplanar or diverging with respect to each other.

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ART 34 AMDT